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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 08-0237 MHP  
Plaintiff, )  
v. ) STIPULATION AND [PROPOSED]  
DAVID NOSAL, ) ORDER SETTING DATES AND  
Defendant. ) DOCUMENTING EXCLUSION OF  
TIME

With the agreement of counsel in open court on April 6, 2009, the Court enters this order (1) setting a status hearing for April 27, 2009, and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from April 6, 2009, to April 27, 2009. The parties stipulate, and the Court finds and holds, as follows:

1. Counsel for the parties appeared before the Court on April 6, 2009.

Counsel for the defendant indicated that he would be occupied beginning the following week in a civil trial in San Jose. Counsel for the defendant also advised that the defendant was considering filing an additional pretrial motion and needed additional time to make that determination. Based on the complexity of the instant case, and based on defense counsel's unavailability due to the other case, defense counsel needs until at least April 27, 2009, to effectively make that determination.

2. Based on the facts set out above and on the record in open court, the parties

**STIP. & [PROPOSED] ORDER SETTING DATES &  
DOCUMENTING EXCLUSION OF TIME [CR 08-0237 MHP ]**

1 agree, and the Court so finds, that taking into the account the public interest in the prompt  
2 disposition of criminal cases, granting a continuance until April 27, 2009, is necessary  
3 based on the complexity of this case, on the need for effective preparation of defense  
4 counsel, and for continuity of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv).  
5 Given these circumstances, the Court finds that the ends of justice served by excluding  
6 the period from April 6, 2009, to April 27, 2009, outweigh the best interest of the public  
7 and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

8       3. Accordingly, and with the consent of the defendant David Nosal, the  
9 Court (1) sets a status hearing in this matter for April 27, 2009, and (2) orders that the  
10 period from April 6, 2009, to April 27, 2009, be excluded from Speedy Trial Act  
11 calculations under 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv).

12 | SO STIPULATED.

**13** | DATED: April 8, 2009

SCOTT N. SCHOOLS  
Associate Deputy Attorney General  
Acting United States Attorney

15  
16 \_\_\_\_\_ /s/  
KYLE F. WALDINGER  
Assistant United States Attorney

19 DATED: April 8, 2009 /s/  
20 STEVEN F. GRUEL  
Attorney for the defendant David Nosal

22 || IT IS SO ORDERED

23 || DATED: 4/10 , 2009

